

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KRISTINE MOORE,

Plaintiff,

v.

Case Number 12-11020

Honorable David M. Lawson

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION,
GRANTING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT,
DENYING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT,
REVERSING THE DECISION OF THE COMMISSIONER,
AND REMANDING FOR FURTHER PROCEEDINGS
PURSUANT TO SENTENCE FOUR OF 42 U.S.C. § 405(g)**

Presently before the Court is the report issued on December 28, 2012 by Magistrate Judge David R. Grand pursuant to 28 U.S.C. § 636(b), recommending that the Court grant the plaintiff's motion for summary judgment, deny the defendant's motion for summary judgment, reverse the decision of the Commissioner, and remand the case for further proceedings under sentence four of 42 U.S.C. § 405(g). Although the Magistrate Judge's report explicitly stated that the parties to this action may object to and seek review of the recommendation within fourteen days of service of the report, no objections have been filed thus far. The parties' failure to file objections to the Report and Recommendation waives any further right to appeal. *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the Magistrate Judge's report releases the Court from its duty to independently review the matter. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the findings and conclusions of the Magistrate Judge.

Accordingly, it is **ORDERED** that the Magistrate Judge's Report and Recommendation [dkt. #17] is **ADOPTED**.

It is further **ORDERED** that the plaintiff's motion for summary judgment [dkt. #13] is **GRANTED**.

It is further **ORDERED** that the defendant's motion for summary judgment [dkt. #16] is **DENIED**.

It is further **ORDERED** that the decision of the Commissioner is **REVERSED**.

It is further **ORDERED** that the matter is **REMANDED** to the Commissioner for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g). On remand the administrative law judge shall address all medical source opinions of record, and provide good reasons for his findings. The administrative law judge should also determine whether plaintiff was disabled, and fully explain the basis for the application of each consulting doctor's opinion as well as the conclusion that a restriction to "unskilled work" sufficiently accounts for the plaintiff's credible limitations.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: January 15, 2013

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on January 15, 2013.

s/Shawntel Jackson
SHAWNTEL JACKSON